

**Remarks**

This Amendment is being filed concurrently with a Request for Continued Examination ("RCE"). Reconsideration and allowance of this application, as amended, are respectfully requested.

Claim 1 has been amended. Claims 1, 2, 5-17, 20, 21, and 23-26 remain pending in the application, with claims 2 and 15 previously withdrawn from consideration as being directed to a non-elected invention. Claims 1, 20, 23, 25, and 26 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments. Entry of the amendment is respectfully requested.

35 U.S.C. § 103(a) – Nasli-Bakir, Kubota, and Boeck

Claims 1, 5-9, 20, 21, 23, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Publication No. 2002/0015786 of Nasli-Bakir et al. (hereinafter "Nasli-Bakir") in view of U.S. Patent No. 5,350,600 to Kubota and U.S. Patent No. 5,111,855 to Boeck.

The rejection of claims 1, 5-9, 20, 21, 23, and 24 under § 103(a) based on Nasli-Bakir, Kubota, and Boeck is respectfully traversed. For at least (i) the reasons presented in Applicants' reply of November 24, 2009, (ii) the reasons presented in the telephonic interview of June 9, 2010, (iii) the reasons presented in Applicants' reply of June 14, 2010, and (iv) the following reasons,

the combined disclosures of Nasli-Bakir, Kubota, and Boeck would not have rendered obvious Applicants' claimed invention.

The combined disclosures of Nasli-Bakir, Kubota, and Boeck do not teach all of Applicants' claim features. The Office Action relies upon the prior art depicted in Nasli-Bakir's Figure 1. The Office Action equates the glue day tank 16 of Nasli-Bakir's Figure 1 to Applicants' claimed third glue reservoir feature. But, as the Office Action acknowledges, Nasli-Bakir's Figure 1 shows that "*the glue is pumped* from the third glue reservoir (16, 18) to the second glue reservoir 44 by pumps 30 and 32."

That is not Applicants' claimed invention. See Applicants' Figure 7. Instant claim 1 requires that the glue in the third glue reservoir 103a, 103b be under a *higher pressure* than the glue in the second glue reservoir 102a, 102b, 102c, 102d. The aforementioned feature of Applicants' apparatus is completely different from the prior art disclosed in Nasli-Bakir, in which the glue leaving glue day tank 16 *must be pumped* by metering pump 30 in order for the system, which includes flow meter 34, valve 40, and mixer 38 upstream of spreader pipe 44, to operate. That is, according to the prior art disclosed in Nasli-Bakir, the glue in "the third glue reservoir" (i.e., glue day tank 16) is under a *lower pressure* than the glue in "the second glue reservoir" (i.e., spreader pipe 44).

Furthermore, although not addressed by the Office Action, the machine depicted in Nasli-Bakir's Figure 2 is as lacking as is

the prior art shown in Nasli-Bakir's Figure 1. The gluing machine shown in Nasli-Bakir's Figure 2 also requires a metering pump 32 to pump the glue from glue day tank 17 to mixer 38 and spreader pipe 44. And, in introducing "the inventive features of the novel system" (paragraph [0036]), Nasli-Bakir even teaches that, by definition, the glue day tank 17 is open to the atmosphere. That is, as described in paragraphs [0037] and [0038], glue day tank 17 serves as a "waste collection bucket" for the gluing operation:

As indicated above, the day tank 17 for the glue is different from the prior art. Namely, in the first place it is located beneath the spreader pipe 44 where it replaces the waste collection bucket 50 of the prior art system. Furthermore it comprises a stirrer 52.

In operation the day tank, which suitably contains about 15 liters of glue component, as a nominal filling level, will collect any waste glue mixture that is produced during the gluing operation (15 liters will be consumed in about 10 minutes of operation in average).

Clearly then, for the glue accumulated in Nasli-Bakir's day tank 17 to reach mixer 38 and spreader pipe 44, *it must be pumped*, i.e., "[t]he metering pumps 30, 32 are started and the components are fed to the mixer" (paragraph [0040], describing operation of the machine). That, however, is not Applicants' claimed invention.

To summarize, (i) one structural difference between Nasli-Bakir and the claimed invention is that Applicants' apparatus has no pump between the third reservoir and the second reservoir, and (ii) since Nasli-Bakir *requires* the pump, the reference does not meet Applicants' claimed feature of *the glue in the third glue*

*reservoir being under a higher pressure than the glue in the second glue reservoir."*

And, regardless of what Kubota and Boeck may disclose, neither reference rectifies any of the above-described deficiencies of Nasli-Bakir.

Further, in addition to the well-documented deficiencies of Nasli-Bakir relative to Applicants' claimed configuration, Applicants' respectfully submit that the Office Action's asserted combination of Nasli-Bakir, Kubota, and Boeck is illogical for at least the following reasons.

The Office Action now acknowledges that Nasli-Bakir fails to meet the claim 1 feature of a second glue reservoir being configured as four glue subreservoirs *"each including therein a gas cushion."* See Office Action page 5, first full paragraph, where the examiner states that "[t]hough Nasli-Bakir et. al teaches a second glue reservoir 44 it does not teach that the second glue reservoir as being configured as four glue subreservoirs each including therein a gas cushion."

To rectify the aforementioned deficiency of Nasli-Bakir, the Office Action relies upon the teaching of Boeck. The Office Action asserts that Boeck "teaches that the reservoirs 1 of the taught apparatus have in them gas cushions which provide constant pressure conditions at the valves" (Office Action page 6, second paragraph).

However, in the "Response to Arguments" section of the Office Action (pages 2-3), to substantiate the assertion that Nasli-Bakir meets the claim 1 feature of "the glue in the third glue reservoir being under a higher pressure than the glue in the second glue reservoir," the Office Action relies upon the fact that Nasli-Bakir's "second reservoir" (i.e., spreader pipe 44) is *not* pressurized. That is, the examiner states that "[g]lue remaining in the second reservoir/spreader pipe, **which is open to atmospheric pressure**, would be stagnant, thus the third reservoir would contain glue at a higher pressure than the glue in the second reservoir" (Office Action page 3) (emphasis added).

But, the examiner cannot have it both ways. In Nasli-Bakir, by the examiner's own admission, and correctly so, the second reservoir is open to the atmosphere, i.e., unpressurized. However, in the prior art reference that the examiner relies upon to meet Applicants' second reservoir gas cushion feature, Boeck's reservoir is, obviously, *pressurized*. Therefore, substituting Boeck's teaching to rectify Nasli-Bakir's deficiency is illogical. And, using such logic constitutes an *improper* hindsight reconstruction on the part of the examiner. The hindsight reconstruction is *improper* because it depends upon the disclosure of the instant application.

There is another fallacy in the position asserted in the Office Action. Assume, *arguendo*, per the examiner, that Boeck's pressurized reservoir were substituted for Nasli-Bakir's open-to-

the-atmosphere, unpressurized reservoir. Boeck has no teaching of the pressure level employed in the gas cushioned reservoir. Therefore, contrary to the examiner's above-quoted assertion, there would be no certainty that "the third reservoir would contain glue at a higher pressure than the glue in the second reservoir," i.e., than in Boeck's pressurized reservoir.

Accordingly, for at least all of the aforementioned reasons, the combined disclosures of Nasli-Bakir, Kubota, and Boeck would not have rendered obvious the embodiment of the invention defined by claim 1. Claims 5-9 are allowable because they depend from claim 1, and for the subject matter recited therein.

Independent claim 20 is also allowable. Claim 20 is allowable because it includes at least the features discussed above with respect to the rejection of claim 1. Claim 21 is allowable because it depends from claim 20, and for the subject matter recited therein.

Claim 23 requires (i) that the glue in the third glue reservoir 103a, 103b be under a *higher pressure* than the glue in the second glue reservoir 102a, 102b, 102c, 102d and (ii) that a *pressure regulator* 105 be located in each glue line 110 between the third glue reservoir and the second glue reservoir. See the disclosure at specification page 7, lines 27-28, i.e., that "[t]he pressure regulator 105 forwards glue from the third glue reservoir to the second" and that "[i]t can *reduce the pressure* to the pressure prevailing in the second glue reservoir 102" (emphasis

added). As is evident from the aforementioned disclosure, the pressure regulator 105 reduces the pressure of the glue as it travels from the third glue reservoir to the second glue reservoir. This feature of Applicants' apparatus is completely different from the machines disclosed in Nasli-Bakir, in which the glue leaving the glue day tank must be *pumped* by the metering pump in order for the system, which includes flow meter 34, valve 40, and mixer 38 upstream of spreader pipe 44, to operate.

Accordingly, for at least all of the reasons presented above, the combined disclosures of Nasli-Bakir, Kubota, and Boeck would not have rendered obvious the embodiments of the invention defined by any of claims 1, 5-9, 20, 21, 23, and 24.

35 U.S.C. § 103(a)

Since the Nasli-Bakir, Kubota, and Boeck combination is applied in each of the other rejections under § 103(a) -- claims 10, 11, 14, and 16 as being unpatentable over Nasli-Bakir in view of Kubota and Boeck, and further in view of U.S. Patent No. 4,420,510 to Kunkel et al. ("Kunkel"); claims 12, 13, 25, and 26 as being unpatentable over Nasli-Bakir in view of Kubota and Boeck, and further in view of Kunkel and in further view of U.S. Patent No. 4,687,137 to Boger et al. ("Boger"); and claim 17 as being unpatentable over Nasli-Bakir in view of Kubota and Boeck, and further in view of U.S. Patent No. 3,965,860 to Cone et al. ("Cone") -- each of these rejections is also respectfully deemed to

be obviated. The combined disclosures of the cited references would not have rendered obvious Applicants' presently claimed invention because the disclosures of Kunkel, Boger, and Cone do not rectify any of the above-described deficiencies of the Nasli-Bakir/Kubota/Boeck combination.

Furthermore, there is simply no teaching in any of the references that would have led one to select the references and combine them in a way that would produce the invention defined by any of Applicants' pending claims.

Therefore, the various combinations of references would not have rendered obvious the embodiments of the invention defined by Applicants' pending claims 10-14, 16, 17, 25, and 26.

Applicants again note the following with regard to claims 25 and 26. Claim 25 defines in pertinent part the feature of "a second glue reservoir which communicates with at least two of the plurality of glue valves that are selectively opened, *the plurality of glue valves being disposed downstream of the second glue reservoir*, and the second glue reservoir being configured as four glue subreservoirs each including therein a gas cushion." See the depiction of the glue valves in instant Figures 6 and 7.

Claim 25 is allowable because it includes at least the features discussed above with respect to the rejections over Nasli-Bakir in combination with other references. Therefore, the combinations of references neither anticipate nor would have rendered obvious the apparatus defined by claim 25.



Furthermore, in the Office Action, the examiner interprets Nasli-Bakir's spreader pipe 44 as being the element that meets Applicants' claimed second reservoir feature. And, to meet Applicants' claimed "plurality of glue valves" feature, the Office Action relies upon Nasli-Bakir's glue valves 40 and 42. But, Nasli-Bakir's glue valves 40, 42 are simply start/stop valves (paragraph [0028]) located *upstream* of mixer 38, which itself is located *upstream* of spreader pipe 44. There are no valves whatsoever downstream of spreader pipe 44. Therefore, the prior art system depicted in Nasli-Bakir's Figure 1 most certainly does not meet Applicants' claim 25 feature of "the plurality of glue valves being disposed downstream of the second glue reservoir."

Claim 26 is also allowable. Claim 26 is allowable because it too includes at least the features discussed above with respect to the rejections over Nasli-Bakir in combination with other references. In addition, claim 26 defines an embodiment of the invention that includes "a glue discharge system configured to discharge the glue from the second glue reservoir without the glue passing through the glue valves, the glue discharge system being a glue recirculation line that conveys the glue from the second glue reservoir to the first glue reservoir."

Nasli-Bakir fails to disclose the claimed glue discharge system feature. Nasli-Bakir's Figure 2 shows a glue day tank that collects excess glue *that has already passed through spreader pipe 44* (i.e., the gist of Nasli-Bakir's invention, collecting excess

glue to prevent waste). However, according to instant claim 26, with the glue recirculation line, the glue can be discharged *without having passed the valves*.

And, combining Nasli-Bakir with the disclosure of Kunkel (as relied on at Office Action page 12, numbered paragraph 9, in rejecting claims 12, 13, 25, and 26) is respectfully submitted to be illogical and an improper hindsight reconstruction. As indicated above, the entire theme of Nasli-Bakir's Figure 2 disclosure is collecting excess glue that has already passed through spreader pipe 44. That is Nasli-Bakir's recirculation; there would be no motivation for employing Kunkel's line 69. Thus, the hindsight reconstruction is *improper* because it depends upon the disclosure of the instant application.

Finally, the Office Action makes a point of attempting to distinguish between pressurized glue in a reservoir, and a pressurized glue reservoir (see Office Action page 3, numbered paragraph 3): "The claims only state that the glue is in a pressurized state and not the reservoirs themselves."

Therefore, in response to the examiner's comment, claim 1 has been amended so as to even more particularly define the glue reservoir features of the invention. Instant claim 1 recites in pertinent part that the apparatus includes "a *pressurized* second glue reservoir" and "a *pressurized* third glue reservoir."

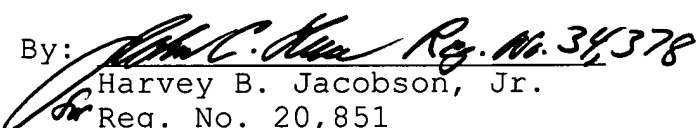
Support for the instant recitation is found at, for example, specification page 3, lines 1-22; page 7, lines 22-26

("The third glue reservoir 103 is under a higher pressure than the second 102. It thus serves as a pressure reservoir with respect to the second glue reservoir 102."); and in drawing Figures 6 and 7. See, for example, the Figure 6 depiction of pressure measuring device 133 in the uppermost part of the third glue reservoir 103, and the depiction of pressure measuring device 132 in the uppermost part of the second glue reservoir 102. As disclosed at specification page 8, lines 20-21, the second and third glue reservoirs include, respectively, "pressure measuring devices 132, 133, which permit the measuring of the pressure directly at the second and third glue reservoir" (emphasis added). Thus, the application is replete with disclosure of the pressurized nature of the claimed pressurized second and third glue reservoirs.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that another interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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Date: February 25, 2011